

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Truth-in-Billing and	)	CC Docket No. 98-170
Billing Format	)	
_____	)	

***REPLY COMMENTS  
OF  
ASIAN PACIFIC ISLANDER AMERICAN CONSUMER COALITION***

The Asian Pacific Islander American Consumer Coalition (APIACC) is a coalition of 18 community-based, nonprofit organizations and business and community leaders concerned about universal service, technology access, competition and consumer protection in Asian Pacific Islander American (APIA) communities.<sup>1</sup> APIACC members have a strong interest in this proceeding because many customers in APIA communities have been the victims of slamming, cramming and other abusive practices in the sale of telecommunications and related services. Poorly organized, unclear and inaccurate telephone bills make it difficult, if not impossible, for customers to

---

<sup>1</sup> The members of APIACC are: Asian and Pacific Islander American Health Forum, Asian, Inc., Chinatown Service Center, Chinese American Cancer Foundation, Chinese American Chamber of Commerce of Orange County, Council of Asian American Business Associations, Korean Youth and Community Center, Little Tokyo Service Center, National Asian American Telecommunications Association, National Asian Pacific Publishers Association, Pacific American Education and Scholastic Foundation, Pacific American Foundation, Pacific Symphony Chinese American League, Refugee Resource Center, Samoan Community Development Center, Sato Associates, Self-Help for the Elderly, and Union of Pan Asian Communities. A description of the coalition members can be found in Appendix A.

detect and correct these abusive practices. Such bills also lead to widespread confusion among consumers in APIA communities. For these reasons, APIACC joins the National Association of Attorneys General, Federal Trade Commission and other commenters in commending the Federal Communications Commission (Commission) for initiating this proceeding to improve the clarity, accuracy and organization of telephone bills.

***I. APIACC Supports the Measures Described in the Notice of Proposed Rulemaking.***

Each year, APIACC members assist tens of thousands of individuals with health, housing, employment, education, consumer and other matters important to lives of people in APIA communities. For example, Self-Help for the Elderly is a nonprofit, service organization which provides health, social services, employment training, recreation, residential board and care and educational services to over 25,000 seniors annually in the San Francisco Bay Area. The Samoan Community Development Center provides a comprehensive range of bilingual social services to about 2,300 Samoans in the Bay Area. In Southern California, the Chinatown Service Center serves 12,000 to 14,000 clients each year, providing consumer education, social services referral, job training, job placement, counseling to prevent martial and family violence and community health services throughout Los Angeles County. The Korean Youth and Community Center counsels approximately 5,000 recent immigrants annually regarding jobs, education, health and other matters throughout the Los Angeles area. In San Diego, the Union of Pan Asian Communities serves about 20,000

clients each year providing mental health, employment, substance abuse, youth and elder services in over 20 languages and dialects. In California's Central Valley, the Refugee Resource Center provides similar assistance to approximately 3,000 clients each year in Southeast Asian refugee communities.

While most of the clients served by APIACC members come from APIA communities, coalition members also serve many clients from other ethnic communities. For example, 10 percent of Chinatown Service Center's clients are Latino and 30 percent of the seniors served by Self-Help for the Elderly are non-Asian (Latino, African-American, and Caucasian).

Because many of the clients served by APIACC members live on low or fixed incomes, APIACC members are regularly called on to help them manage their telephone, electric and other utility bills and to assist them with problems arising from those bills. Serving in this capacity, APIACC members have seen an increase in slamming and cramming in their communities. In particular, many customers in APIA communities have been slammed by filling out deceptive sweepstakes entry forms and as a result of unfair telemarketing tactics. In addition, customers increasingly are being charged on their monthly telephone bills by providers other than their local phone company for services that they did not order. Because of these practices, many customers in APIA and other ethnic communities are seeing higher monthly telephone bills.<sup>2</sup>

---

<sup>2</sup> A recent survey confirms that these abusive practices are especially high in ethnic communities. In January 1997, Pacific Bell commissioned a study of customers in California's Latino community. Conducted primarily in Spanish, the survey found that 51 to 56 percent of the Latinos surveyed reported being slammed but only one in three complained about being slammed. Fifty-one percent surveyed were concerned that calling to complain might lead to disconnection of their phone service and 31 percent

While many customers in ethnic communities come to APIACC members and other social services organizations for help in resolving these problems, many do not. In many cases, customers are concerned that questioning charges on their telephone bill will lead to disconnection of their phone service, noted on their credit records, or reported to government agencies. Recent immigrants are especially reluctant to assert their rights as consumers.

Unscrupulous providers are also targeting small business customers in APIA communities. Many small business customers in these communities have been slammed and crammed, some repeatedly. (In fact, recently, the Chinatown Service Center's long distance provider was switched without its authorization.) These practices are costly to small businesses, which operate on extremely thin margins. Each dollar that a small business owner loses because of slamming and cramming means one less dollar to hire employees, buy equipment or otherwise invest in his or her business.

APIACC strongly agrees with the Notice of Proposed Rulemaking (NPRM) that poorly organized and unclear bills facilitate slamming and cramming by making these abusive practices more difficult for customers to detect and correct. Such bills also contribute to widespread confusion and frustration among

---

were concerned that complaining might lead to being investigated because they were Hispanic. A Survey of Latinos in California on Issues Related to Slamming, GLS Research, February 1997, filed in Rulemaking and Investigation on the Commission's Own Motion to Consider Adoption of Rules Applicable to Inter-Exchange Carriers for the Transfer of Customers Including Establishing Penalties for Unauthorized Transfer, California Public Utilities Commission, Docket No. R.97-08-001 and I. 97-08-002, as Exhibit C to Comments of Pacific Bell on Unauthorized Billing and Automatic PIC Freezes, March 16, 1998. As discussed above, these same forces are at work in APIA communities.

customers both of which will increase as the number and types of services increase and the telephone billing mechanism is used by more and more providers.

For these reasons, APIACC supports the Commission's proposal that all telephone bills:

- Be organized to present separate categories of services in clearly separate sections and, if possible, on separate pages.
- Have a single page that summarizes the current status of the customer's services including the customer's pre-subscribed carriers, any other service providers for whom charges are being billed and whether the customer has any PIC freezes or other blocking mechanisms in effect for any services.
- Have a separate page or section that highlights any changes in the customer's service (e.g., change in pre-subscribed carrier or new providers) and any new charges appearing on the bill.
- Clearly and conspicuously identify the actual provider of the service. The name of a billing aggregator or clearinghouse should not suffice.
- Contain the information necessary to enable the customer to take action on his or her behalf to dispute the charges outlined on the bill including a toll-free number for customer service and billing disputes.
- Contain full and non-misleading descriptions of all charges.<sup>3</sup>
- Clearly indicate the charges that a customer must pay to avoid disconnection of his or her local and long distance service.

This last point is especially important. As stated above, many of the clients served by APIACC members are low income consumers who can ill afford

---

<sup>3</sup> We agree with the Federal Trade Commission and National Association of Attorneys General that any charge appearing on the customer's telephone bill should meet the same standards of fairness, completeness, accuracy and understandability whether the charge is the result of a commercial transaction between the customers and a provider or federal regulatory action. FTC Comments at p. 17 and NAAG Comments at pp. 11-14.

to pay excessive charges when they are crammed or slammed. Nonetheless, when unauthorized, questionable or confusing charges appear on their bills, many low income customers pay their bill in full, because they believe that they will lose their phone service if they do not pay all charges. Because of the proliferation of services, providers, and charges now appearing on the monthly phone bill and the increase in cramming and slamming, customers need to know that when there are unauthorized, questionable or confusing charges on their bill, they can inquire about those charges and withhold payment without fear of having their service disconnected.

***II. The NPRM Will Be of Limited Help to Non-English Speaking and Limited English Speaking Customers.***

While the measures proposed in the NPRM will be of significant help to many telephone customers, these measures will be of limited help to non-English speaking and limited English speaking customers. According to the 1990 Census, there are more than 31.8 million people in the United States who speak a language other than English at home, an increase of more than one-third since the 1980 Census. About 14 million or 44 percent of these people reported that they had some difficulty with English. Not surprisingly, the Nation's most recent immigrants were more likely to be in this category. For example, the Census Bureau found that among Chinese, Korean and Vietnamese speakers at least 60 percent reported speaking English less than very well. Among Spanish speakers, 48 percent said they had difficulty with English. (Language Spoken at

Home, Bureau of the Census, Census Questionnaire Content, 1990 CQC-16, pp. 1-2.)

Taking into account the language ability of an individual's entire household, the Census Bureau reports that there are nearly 8 million persons in the U.S. who live in households that are linguistically isolated. A linguistically isolated household is defined by the Census Bureau as "one in which no person 14 or older speaks English at least very well." California had the largest number of persons living in such households (nearly 2.7 million), followed by New York (1.0 million), Texas (988,458), Florida (547,169), Illinois (370,081), New Jersey (329,111) and Massachusetts (199,367). (See Table 1, Language Use and English Ability, Persons 5 Years and Over, by State, 1990 Census found at [http://www.census.gov/population/www/socdemo/lang\\_use.html](http://www.census.gov/population/www/socdemo/lang_use.html).)

At this critical stage in the transition from a monopoly to a competitive environment, the Commission must ensure that major telecommunications carriers are responsive to the needs of non-English speaking and limited English speaking customers. There are several reasons why this is essential. First, while we are hopeful that all customers will benefit from competition, at least for now most residential customers, especially those in ethnic and low income communities, have only one choice when it comes to a local service provider: the Incumbent Local Exchange Carrier (ILEC). Second, as experience with several major telecommunications carriers in recent years have shown, competitive pressures and poorly implemented corporate downsizing can lead to a serious deterioration in customer service. Finally, as discussed above, non-English

speaking and limited English speaking customers are often the victims of abusive practices such as slamming and cramming by long distance and other providers.

For these reasons, APIACC requests that the Commission gather information regarding the measures that major Local Exchange Carriers (LECs) and Inter-Exchange Carriers (IECs) are currently taking to serve non-English speaking and limited English speaking customers. In particular, the Commission should require that each large LEC and IEC inform the Commission whether it serves customers in languages other than English in ordering, directory assistance, operator services, 911, repair, billing, marketing, customer service and other services. If so, the carriers should identify those language(s) and briefly describe how they provide multi-language services to customers (e.g., language-specific service centers, translation services, etc.).<sup>4</sup> The Commission should gather this information for LECs and IECs with annual operating revenues of over \$100 million. This information should be presented to the Commission on a state-by-state basis so the Commission, state regulators and the public will be able to determine where multi-language services are available.

---

<sup>4</sup> For example, at the urging of APIACC members and other community based organizations, Pacific Bell, California's largest local service provider, currently provides billing in Spanish as well as English and multi-language customer service through a Mandarin Service Center, Cantonese Service Center, Filipino Service Center, Korean Service Center, Vietnamese Service Center, Japanese Service Center and Spanish Service Center. All of the service centers serve business as well as residential customers, except for the Japanese and Filipino service centers which only serve residential customers. APIACC believes that **every** major carrier should be responsive to non-English speaking and limited English speaking customers, especially where there are a significant number of such customers. See, for example, Ten Places With the Largest Asian and Pacific Islander Population by "Language Spoken at Home": United States, 1990 prepared by Asian/Pacific Islander Data Consortium, attached as Appendix B.



### ***Conclusion***

For the reasons set forth above, APIACC urges the Commission to: (1) Adopt the measures set forth in the NPRM to improve the organization, clarity, and accuracy of telephone bills and (2) Gather basic information on how major telecommunications carriers are providing service to non-English speaking and limited English speaking customers.

Date: November 29, 1998

Respectfully submitted,

Asian Pacific Islander American  
Consumer Coalition (APIACC)

By \_\_\_\_\_  
Anni Chung, Representative

By \_\_\_\_\_  
Tessie Guillermo, Representative

407 Sansome Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94111  
(415) 982-9171  
(415) 296-0313 FAX

## ***Appendix A***

### ***Members of APIACC***

#### ***Asian and Pacific Islander American Health Forum (APIAHF)***

The APIAHF is a national health policy organization focused on promoting health improvements in the Asian American and Pacific Islander community. The APIAHF conducts research, health education, training, advocacy, and information dissemination activities within the AAPI communities throughout the United States.

#### ***ASIAN, Inc.***

ASIAN, Inc. is a nonprofit San Francisco corporation specializing in assisting small businesses, developing affordable housing and helping private property owners to rehabilitate their residential properties. ASIAN, Inc. also manages residential property, assists in developing financial institutions to support small businesses, developing trade associations and monitoring government actions that affect the well-being of businesses in the Asian American community.

#### ***Chinatown Service Center***

Established in 1971, Chinatown Service Center's mission is to enhance the ability of immigrants and refugees to become productive and contributing members of American society, through the provision of health and human services in the greater Los Angeles area.

#### ***Chinese American Cancer Foundation***

Based in Southern California, the Chinese American Cancer Foundation helps educate the Chinese American community about cancer through prevention, education and outreach. The Foundation provides support to cancer patients and their families by sponsoring support groups and hotlines.

### ***Chinese American Chamber of Commerce of Orange County***

The Chinese American Chamber of Commerce of Orange County is a business organization for the Chinese community. Its purpose is to promote businesses by providing networks within and outside the Chinese community. Their scholarship program supports young students to attain higher education.

### ***Council of Asian American Business Associations (CAABA)***

CAABA is an association of Asian American Business associations. Its membership consists of ten separate local trade associations in San Francisco, San Mateo, Santa Clara, Alameda, Los Angeles, Orange, and San Diego counties. Its mission is to empower Asian American-owned businesses to join the main stream through self-help program, education and advocacy, and resources sharing among members.

### ***Korean Youth and Community Center (KYCC)***

The Korean Youth and Community Center is a non-profit community-based organization providing social and economic development services to recent immigrants throughout the greater Los Angeles area. Established in 1975, KYCC provides counseling, education addressing public health, consumer, and other relevant concerns, small business technical assistance and financing, affordable housing, and urban environmental improvement programs.

### ***Little Tokyo Service Center***

The Little Tokyo Service Center is a multipurpose social service and community development agency based in downtown Los Angeles which has, for the past 18 years, assisted needy persons with a wide array of bilingual/bicultural services such as: counseling, transportation, translation, consumer education, housing and economic development.

### ***National Asian American Telecommunications Association (NAATA)***

NAATA's mission is to advance the ideals of cultural pluralism in the

U.S. and to promote better understanding of Asian Pacific American experiences through film, video, radio, and new technologies. NAATA's program areas have expanded to production support, public television programming, exhibition activities, educational distribution, and membership services.

### ***National Asian Pacific Publishers Association (NAPPA)***

Formed by a group of Asian American publishers, NAPPA is a non-profit organization which promotes literacy and the use of the Asian Pacific American publications, fostering information and access to public services by Asian Pacifics living in the United States. The role of NAPPA is to enhance the understanding of the public and private sectors of the vital role of the Asian Pacific American publications have in the communities where they circulate. These publications are the primary providers of the information their readers must have in order to make informed decisions on issues that can have an impact on their welfare.

### ***Pacific American Education and Scholastic Foundation***

The primary purposes of the Pacific American Education and Scholastic Foundation are to make financial resources available to indigenous young natives of Polynesia and the Pacific Islands towards the pursuit of education, and to provide educational and clinical counseling resources to their parents and families.

### ***Pacific American Foundation***

The Pacific American Foundation is a national non-profit organization which was founded by leaders who envisioned a national institution dedicated to serving all Pacific Americans through advocacy, education, information, service and volunteer efforts. Its mission is to improve the lives of Pacific Americans everywhere in areas such as health care, education, economic development, and leadership skills development.

### ***Pacific Symphony Chinese American League***

The Pacific Symphony Chinese American League supports young talented

Asian musicians to enter the Western World by giving out scholarships, and sponsoring an annual showcase event and competition.

### ***Refugee Resource Center***

The Refugee Resource Center located in Stockton, California, is a project of the Lao Khmu Association and provides education, training, counseling and resources to diverse Southeast Asian refugee groups.

### ***Samoan Community Development Center (SCDC)***

Samoan Community Development Center is a non-profit organization founded in San Francisco in 1991. Its mission is to improve the quality of life for Samoans through self-help, economic self-sufficiency, community solidarity and the preservation of Samoans customs and traditions.

### ***Sato Associates***

Sato Associates is a San Diego-based consulting firm specializing in federal contracting and management advisory services. The firm offers an array of services including proposals, contract cost accounting and audits and claims negotiations. Its clients include U.S. government agencies, colleges, nonprofit organizations and high technology, R&D and manufacturing companies.

### ***Self-Help for the Elderly***

Self-Help for the Elderly is a senior service provider established in 1966 to provide a comprehensive range of services including health and social services, employment training, recreation and social activities, residential board and care, and educational services to over 25,000 seniors in San Francisco, San Mateo and Santa Clara counties.

### ***Union of Pan Asian Communities (UPAC)***

Union of Pan Asian Communities (UPAC) has been the primary provider of

quality human care services to San Diego County's Asian and Pacific Islander communities for the past 20 years. Unique in its comprehensive, holistic approach to serving families, UPAC manages 23 programs in several areas including mental health, economic development, substance abuse, youth services and elderly care among others. Its bilingual and bicultural staff, representing over 20 languages and dialects, reaches over 20,000 refugees, immigrants and American-born populations annually.

## **APPENDIX B**

### **TEN PLACES WITH THE LARGEST ASIAN AND APACIFIC ISLANDER POPULATION BY "LANGUAGE SPOKEN AT HOME:" UNITED STATES, 1990**

Rank	Place	Chinese	Indic	Japanese	Korean	Mon-Khmer	Tagalog	Vietnamese
1	New York, NY	<b>210,979</b>	<b>60,353</b>	14,210	63,267	2,172	34,191	6,009
2	Los Angeles, CA	58,028	13,557	25,583	<b>63,473</b>	3,925	<b>64,915</b>	15,097
3	Honolulu, HI	22,156	387	<b>35,815</b>	9,887	73	18,390	3,514
4	San Francisco, CA	114,145	2,347	6,600	5,314	1,201	29,101	5,608
5	San Jose, CA	26,462	7,543	4,021	6,037	3,962	23,713	<b>35,140</b>
6	San Diego, CA	11,611	1,558	5,110	2,730	3,466	38,897	14,510
7	Chicago, IL	20,259	14,240	3,311	12,106	1,570	21,968	3,368
8	Houston, TX	15,423	7,922	2,042	3,416	982	4,172	15,148
9	Seattle, WA	12,789	1,140	4,859	2,976	2,367	10,136	3,935
10	Long Beach, CA	3,144	541	1,540	1,246	<b>14,120</b>	12,913	4,397

Source: U.S. Bureau of the Census, 1990 Census

Note: Chinese, Indic, Japanese, Korean, Mon-Khmer, Tagalog and Vietnamese are the seven A/PI languages (inclusive of various dialects) spoken at home for which data are available at this time for any geographic level down to the census tract. The values in boldface indicate the places with the highest number of persons who speak the respective ethnic language at home. There may be other places which also have high number of persons who speak an A/PI language at home, but did not rank among the top ten A/PI populated places.

Copyright 1993 Asian/Pacific Islander Data Consortium, San Francisco, California (415) 541-0866.